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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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07/26/2004

Jeannot Hironimus

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07/26/2006

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EXAMINER

KOVACS, ARPAD F

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/501,345	Applicant(s) HIRONIMUS ET AL.	
	Examiner Árpád Fábán Kovács	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the specification of a utility application should include section headings as outlined in 37 CFR 1.77(b).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16, 22, 31 are rejected under 35 U.S.C. 102(b) as being anticipated by van der Lely (part of record, '445).

van der Lely discloses:

cl. 16:

a main frame carrying a first & second gathering devices (69, 70) one beside the other & having an inner end toward the middle portion (fig 5);

a first & second swathing devices (conveyor 112; swath formed col. 9, ln 12-13)

associated with & behind each respective gathering device (fig 5);

separation means situated in front of the inner ends of the first & second gathering devices (drum 86 with crop displacing projections, col. 6, ln 61);

cl. 22:

the separation means comprises at least one raking drum (86);

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new cl. 31:

a main frame carrying a first & second gathering devices (69, 70) one beside the other & having an inner end toward the middle portion (fig 5);

a first & second swathing devices (conveyor 112; swath formed col. 9, ln 12-13)

associated with & behind each respective gathering device (fig 5);

means for clearing the strip of land situated between the inner ends of the first & second gathering devices (drum 86 with crop displacing projections, col. 6, ln 61).

4. Claims 16, 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Mosby (part of record, '172).

Mosby discloses:

cl. 16:

a main frame carrying a first & second gathering devices (col. 3, ln 36-37) one beside the other & having an inner end toward the middle portion;

a first & second swathing devices (col. 3, ln 37-41) associated with & behind each respective gathering device;

separation means situated in front of the inner ends of the first & second gathering devices (col. 7, ln 6-12);

new cl. 31:

a main frame carrying a first & second gathering devices (col. 3, ln 36-37) one beside the other & having an inner end toward the middle portion;

a first & second swathing devices (col. 3, ln 37-41) associated with & behind each respective gathering device;

means for clearing the strip of land situated between the inner ends of the first & second gathering devices (col. 7, ln 6-12).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over van der Lely (part of record, '445).

van der Lely discloses the claimed invention except for duplicating the parts and/or arranging parts at the outer end(s).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the separating means at the outer end(s), since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to duplicate the separating means, since it has been held that mere duplication of the essential parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

7. Claims 17-21, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over van der Lely (part of record, '445) and/or Mosby (part of record, '172), in view of Peeters (part of record, '691).

van der Lely and/or Mosby disclose(s) the claimed device except for the claimed other embodiment (rakes).

Peeters teaches that divider rakes re-orient the harvest & promote drying (col. 9, ln 40-67; col. 10; see rakes shown in fig 2, horizontal disks, form an oblique or a V).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the swathing machine of van der Lely and/or Mosby with the separating or divider rakes of Peeters, in order to promote drying (Peeters, col. 10, ln 15).

Response to Arguments

8. Applicant's arguments with respect to claims 16-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form 892.
10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

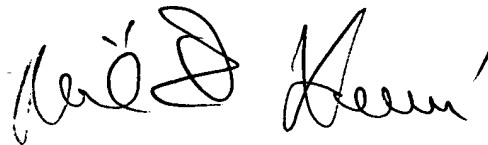
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 571 272 6990. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272 6998. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Árpád Fábián Kovács
Primary Examiner
Art Unit 3671

ÁFK